

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

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|--|---------------------------|
| <b>DONALD H. FLANARY, JR.</b>  | §                         |
| <b>and GENA L. FLANARY</b>   | §                         |
|  |                           |
| <b>Plaintiffs,</b>   | §                         |
|  |                           |
| <b>VS.</b>   | §      Case No. 4:12cv293 |
|  |                           |
| <b>MORTGAGE ELECTRONIC<br/>REGISTRATION SYSTEMS, INC.</b>                            | §                         |
| <b>and BAC HOME LOAN<br/>SERVICING, LP f/k/a COUNTRYWIDE<br/>HOME LOAN SERVICING</b> | §                         |
|  |                           |
| <b>Defendants.</b>   | §                         |

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 27, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss (Dkt. 31) and Defendants' Motion for Summary Judgment on Plaintiffs' Second Amended Complaint (Dkt. 37) be GRANTED, that Plaintiffs take nothing by any of their claims against Defendants, that Defendants be awarded their costs herein, and that this matter be closed on the court's docket.

Having received the report of the United States Magistrate Judge and no objections thereto having been timely filed,<sup>1</sup> this court is of the opinion that the findings and conclusions of the

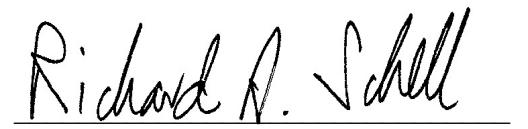
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<sup>1</sup>The court notes that the deadline to file objections was extended to June 24, 2014. *See* Dkt. 59. No objections were filed by the extended deadline.

Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendants' Motion to Dismiss (Dkt. 31) and Defendants' Motion for Summary Judgment on Plaintiffs' Second Amended Complaint (Dkt. 37) are GRANTED, Plaintiffs shall take nothing by any of their claims against Defendants, Defendants shall be awarded their costs herein, and this matter shall be closed on the court's docket.

**IT IS SO ORDERED.**

SIGNED this the 28th day of September, 2014.

  
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RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE